

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Donald Ray Vines

Docket No. 5:02-CR-63-2BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Donald Ray Vines, who, upon an earlier plea of guilty to Aiding and Abetting in the Distribution of at Least Five Grams of Cocaine Base, in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. §2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 13, 2002, to the custody of the Bureau of Prisons for a term of 92 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall support his or her dependants.

Donald Ray Vines was released from custody on January 16, 2009, at which time the term of supervised release commenced. On September 20, 2010, a Violation Report was submitted to the court advising that Vines had failed to maintain full-time employment, failed to keep scheduled appointments on four occasions, and new criminal conduct (Speeding 92/55, Failure to Secure Passenger Under Age 16, and Speeding 73/55). Vines was verbally reprimanded, counseled about his actions, and no adverse action was taken. On April 6, 2012, a Violation Report was submitted advising that Vines tested positive for marijuana on April 6, 2012. He admitted use, was verbally reprimanded, counseled about his actions, and the court agreed to continue supervision. On December 18, 2012, a Violation Report was submitted advising that Vines tested positive for marijuana on December 6, 2012. The defendant was referred to outpatient drug treatment, placed in our Surprise Urinalysis Program, and the court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 29, 2013, the defendant submitted to a urine sample that was returned positive for marijuana on February 4, 2013. On February 22, 2013, Vines signed an admission of drug use form acknowledging that he also used marijuana on February 8, 2013. Additionally, he has failed to keep scheduled office visits on February 14, and February 19, 2013; however, he has been actively participating in outpatient drug treatment. As a sanction for these violations, we are requesting that he be placed on home detention for a period of 60 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Donald Ray Vines
Docket No. 5:02-CR-63-2BO
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

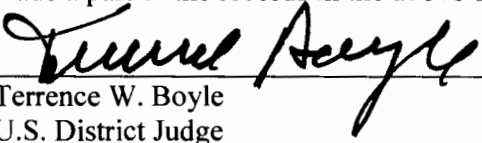
I declare under penalty of perjury that the foregoing is true and correct.

/s/Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: February 25, 2013

ORDER OF COURT

Considered and ordered this 6 day of March, 2013, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge